

**UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO**

In re:

The Financial Oversight and
Management Board for Puerto
Rico,

as representative of

The Commonwealth of Puerto
Rico, The Employees Retirement
System of the Government of
the Commonwealth of Puerto
Rico, and the Puerto Rico
Public Buildings Authority,

Debtors

PROMESA Title III

No. 17 BK 3283 (LTS)

(Jointly Administered)

NOTICE OF CONSTITUTIONAL CHALLENGE TO A STATUTE

To the Honorable Court:

PFZ Properties, Inc. (hereinafter, PFZ), a creditor of the Commonwealth of Puerto Rico (hereinafter, the Debtor or the Commonwealth), by and through its undersigned counsel, states and prays as follows:

1. Pursuant to Federal Rule of Civil Procedure 5.1 (a), PFZ provides Notice that its "Objection to Seventh Amended Title III Joint Plan of Adjustment of the Commonwealth of Puerto Rico, et al. by creditor PFZ Properties, Inc." (Docket #18418) questions the

constitutionality of PROMESA¹, 48 U.S.C. §2101 et seq., a federal statute, insofar as the treatment of its claim for the taking of its property without just compensation, as required by the Fifth Amendment to the Constitution of the United States, is concerned.

2. This Notice has been served on the U.S. Attorney as required by Rule 5.1.

3. PFZ requests the Court, pursuant to 28 U.S.C. sec 2403, to certify to the Attorney General said challenge to the constitutionality of PROMESA and issue an order accordingly. A proposed order is included as an exhibit to this Notice.

WHEREFORE, PFZ Properties Inc. requests from the Honorable Court to take notice of the above provided information and to certify to the Attorney General the challenge to the constitutionality of PROMESA.

RESPECTFULLY SUBMITTED.

¹ In 2016, the Commonwealth of Puerto Rico was in a severe financial crisis. It had defaulted in some of its debts and was operating with a chronic deficit. As a consequence, on June 30, 2016, President Barack Obama signed into law the Puerto Rico Oversight Management and Economic Stability Act (PROMESA). Title III of PROMESA provides for debt restructuring, similar to a bankruptcy case and out of court debt restructuring for the Commonwealth and its instrumentalities. Title III incorporates many provisions of the United States Bankruptcy Code, Title 11 of the United States Code. PROMESA also created the Financial Oversight and Management Board ("FOMB"). The FOMB is the sole representative of the Commonwealth, with authority to propose a plan of

In San Juan, Puerto Rico, this 13th day of October 2021.

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CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of October 2021, I electronically filed the foregoing motion with the Clerk of the Court using the EM/ECF system, which will send a notification to all attorneys of record. Also, a copy of this Notice has been served on the United States Attorney via certified mail to U.S. Department of Justice, Civil Division, 950 Pennsylvania, N.W. Washington, D.C. 20530-0001; and to the U.S. Attorney for the District of Puerto Rico, Torre Chardón, Suite 1201, 350 Carlos Chardón Street, San Juan, PR 00918.

/s/ David Carrión Baralt
DAVID CARRION BARALT